

No. 14/13/87-Lab./590.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court, Gurgaon in respect of the dispute between the workman and the management of M/s. Kannu T. W. Ltd., Gurgaon *versus* Harbir Singh.

IN THE COURT OF MRS. ANITA CHAUDHARY PRESIDING OFFICER, INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, GURGAON

Reference No. 219 of 93

between

SHRI HARBIR SINGH, S/O SHRI RAJA RAM, C/O SHRI MAHAVIR TYAGI,
ORGANISOR, INTUC, GURGAON

and

THE MANAGEMENT OF M/S, KANNU T. W. LTD. 32, MILE STONE CHANDER
NAGAR, GURGAON

Present :

Shri Mahavir Tyagi, for the workman.

Shri Satish Kumar Batra, for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the service matter, between the parties mentioned above, to this court, for adjudication, *vide* Haryana Government Labour Department endorsement No. 36903—08, dated 24th September, 1993.

2. Parties have settled the dispute. Their statements have been recorded separately. In view of the statements made by the parties, reference stands disposed off as fully settled.

Dated 14th July, 1994

ANITA CHAUDHARY,

Presiding Officer,
Industrial Tribunal-cum-
Labour Court, Gurgaon.

Endst. No. 1122, dated 25th July, 1994.

A copy is forwarded to :—

- (1) The Labour Commissioner Haryana, Chandigarh.
- (2) The Labour Officer, Gurgaon

ANITA CHAUDHARY,

Presiding Officer,
Industrial Tribunal-cum-
Labour Court, Gurgaon.

No. 14/13/87-Lab/591.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court, Gurgaon in respect of the dispute between the workman and the management of M/s. Bharat & Trading Company Maruti Udyog Ltd., Gurgaon *versus* Puranwasi Gurgaon.

IN THE COURT OF MRS. ANITA CHAUDHARY, PRESIDING OFFICER, INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, GURGAON.

Reference No. 228 of 1993

between

SHRI PURANWASI C/O SHRI P. K. THUMPI, GENERAL SECRETARY, GURGAON
ENGINEERING WORKERS UNION, B-II IDPL TOWNSHIP, GURGAON

and

THE MANAGEMENT OF M/S BHARAT AND TRADING COMPANY, MARUTI UDYOG LTD.,
CANTEEN, PALAM GURGAON ROAD, GURGAON

Present :

Shri P. K. Thumpi, for the workman.

Shri Bharat Bhushan Goel, for the management

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana, referred the service matter, between the parties mentioned above to this court, for adjudication,—*vide* Haryana Government endst. No. 38329—34, dated 5th October, 1993.

2. Parties have settled the dispute. Their statements have been recorded separately. In view of the statements made by the parties, reference stands disposed off as fully settled.

Dated the 14th July, 1994.

ANITA CHAUDHARY.

Presiding Officer,
Industrial Tribunal-cum-Labour Court,
Gurgaon.

Endorsement No. 1120, dated the 25th July, 1994.

A copy is forwarded to :—

1. The Labour Commissioner, Haryana, Chandigarh.
2. The Labour Officer, Gurgaon.

ANITA CHAUDHARY,

Presiding Officer,
Industrial Tribunal-cum-Labour Court,
Gurgaon.

No. 14/13/87-6Lab./510.—In pursuance of the provisions of section 17 of the Industrial Dispute Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s. Shiv Shakti Automats, I. D. C., Rohtak.

IN THE COURT SHRI P. L. KHANDUJA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ROHTAK

Reference No. T-7 of 1993

between

GENERAL SECRETARY, ADARSH UDHOGIK KARAMCHARI SANGH, ROHTAK.

.. Workmen

and

THE MANAGEMENT OF M/S SHIV SHAKTI AUTOMATS I.D.C., ROHTAK

Present :

Shri V. S. Singal, A. R. for the workmen.

Shri M. Kaushal, A. R. for the management.

AWARD

In exercise of the powers conferred by sub-clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana has referred the following dispute, between the parties named above to this court for adjudication,—*vide* Labour Department Endorsement No. ID/Roh./33453—58, dated 30th September, 1993.—

Whether the termination of services of S/Shri Rajinder Singh and Jai Kishan is justified. and in order ? If not, to what relief are they entitled ?

2. The learned A. R. for the workmen has made statement that he does not want to continue this case and wants to file fresh demand notice, which is opposed by the management. I have gone through the file it is only at stage of filing of the replication and framing of issues. Hence I do not find if application can not be allowed to file the fresh demand notice and I agree and allowed. The reference is dismissed as withdrawn and permit to file fresh demand notice. The reference is answered and returned accordingly, with no orders as to costs.

P. L. KHANDUJA,

The 12th August, 1994.

Presiding Officer,
Industrial Tribunal-cum-Labour Court,
Rohtak.

Endorsement No. Ref. 7-93/1809, dated the 12th August, 1994.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Department, Chandigarh.

P. L. KHANDUJA,

Presiding Officer,
Industrial Tribunal-cum-Labour Court,
Rohtak.

No. 14/13/87-6Lab./511.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s. M. D. Rohtak Central Co-operative Bank Limited, Rohtak *versus* Shri Ram Mehar, son of Shri Ram Sarup of Rohtak.

IN THE COURT OF SHRI P.L. KHANDUJA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ROHTAK

Reference No. 826 of 1992

between

SHRI RAM MEHAR, SON OF SHRI RAM SARUP, HOUSE NO. 146-A/14, KIRPAL NAGAR, OPPOSITE SAINI HIGH SCHOOL, ROHTAK .. *Workman*

and

THE MANAGEMENT OF M/S MANAGING DIRECTOR, ROHTAK CENTRAL CO-OPERATIVE BANK LIMITED, ROHTAK

Present :

Shri S.S. Gupta, authorised representative for the workman.
Shri Sunil Katyal, authorised representative for the management.

AWARD

In exercise of powers conferred by sub clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana has referred the following dispute, between the parties, named above, to this Court for adjudication,—*vide* Labour Department Endorsement No. S.O.V./167-92/45413—18, dated 24th September, 1992 :—

Whether the termination of services of Shri Ram Mehar is justified and in order ? If not, to what relief he is entitled ?

2. On summoning the workman appeared and filed the claim statement that applicant has been in the service of the respondent since 1976 as Secretary being appointed under the Haryana State Central Co-operative Bank Staff Service (Common Cadre) Rules, the work and conduct of the workman remained satisfactory. On 4th June, 1980 the respondent issued a memorandum to the applicant by way of chargesheet containing certain omission and commission, as the charges were not accompanied by the relevant papers being the basis of charges hence the charges were false and frivolous against the workman; without looking into the reply of the applicant a domestic enquiry was ordered in routine; that the Enquiry Officer either

was not aware of the principle of natural justice and deliberately avoided the enquiry proceedings to be conducted according to the rules and principles of natural justice; that the enquiry report was not handed over to the applicant; that without the mandatory requirements of final show cause notice and personal hearing the services of the applicant were terminated by way of dismissal,—vide order dated 31st August, 1982 which is quite illegal, unjustified, capricious, arbitrary against the Rules and principles of natural justice and references is liable to be allowed and the workman to reinstated with all benefits.

3. The reply to the claims statement was filed by the management pleading that the charges against the workman were found true and workman never filed any reply, that the enquiry was not ordered in routine but it was after the investigation, the enquiry was conducted according to the Rules and principles of natural justice; that the enquiry report was handed over to the workman and all the facts were taken into consideration during the enquiry and the report of Enquiry Officer was after investigation of the case; the workman was given show cause notice and was given several opportunities to defend his case and hence the claim statement is liable to be dismissed with costs.

4. Replication was not filed. On the pleadings of the parties, the following issues were framed :—

- (1) Whether the management had conducted a fair and proper enquiry?
- (2) As per terms of reference?
- (3) Relief ?

5. My findings on the above issues with reason thereof are as under :—

Issue No. 1:

6. I had already decided on 25th April, 1994 the preliminary issue whether the management had conducted a fair and proper enquiry and the issue was decided against the management and in favour of the workman.

Issue No. 2 :

7. The case of the workman/applicant is that on 4th June, 1980 the respondent chargesheeted and without looking into the reply of the applicant domestic enquiry was ordered in routine and after personal hearing he was dismissed from services,—vide order dated 31st August, 1982. The applicant had got applied in reference petition that he is liable to be reinstated with continuity of service and with full back wages since he was terminated.

8. The management filed their reply that enquiry was conducted according to rule and principles and hence claim statement is liable to be dismissed with costs.

9. As already I had decided the issue of enquiry in favour of the workman and there is nothing more to be argued nor evidence examined by the parties. I, therefore, accept the reference petition filed by the workman and decide this issue in favour of the workman.

Issue No. 3 (Relief) :

10. In view of my findings on the above issues I hold that the workman is entitled to be reinstated with continuity of service but with 80% (Eighty) back wages. The reference is answered and returned accordingly, with no orders as to costs.

The 22nd August, 1994.

P. L. KHANDUJA,

Presiding Officer,
Industrial Tribunal/Labour Court,
Rohtak.

Endorsement No. Ref. No. 826-92/2040, dated the 23rd August, 1994.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh.

P. L. KHANDUJA,

Presiding Officer,
Industrial Tribunal/Labour Court,
Rohtak.